



Order Filed on December 29, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**Robertson, Anschutz, Schneid, Crane & Partners,
PLLC**

Authorized Agent for Secured Creditor
130 Clinton Road, Lobby B, Suite 202
Fairfield, NJ 07004
Telephone: 973-575-0707
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Harold Kaplan (HK0226)

In Re:

Kimberly A. Thomas,

Debtor,

Case No.: 19-31389-MBK

Chapter: 13

Hearing Date: December 21, 2021

Judge: Michael B. Kaplan

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: December 29, 2021



Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Secured Creditor: US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtors' Counsel: Joan Sirkis Warren, Esq.

Property Involved ("Collateral"): 110 Kemper Ct, Hackettstown, NJ 07840-1581

Relief sought: ☒ Motion for relief from the automatic stay
 ☐ Motion to dismiss
 ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months from September 1, 2021 through December 1, 2021.
- ☒ The Debtor is overdue for 4 payments from September 1, 2021 at \$1,002.01 per month.

Funds Held In Suspense \$0.00.

Total Arrearages Due \$4,008.04.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Beginning on January 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$1,002.01.
- ☒ The amount of \$4,008.04 shall be capitalized in the Debtor's Chapter 13 plan and paid to Secured Creditor by the Chapter 13 Trustee in addition to the amount set forth on Secured Creditor's timely filed Proof of Claim. Debtor must file an Amended Plan, and Schedules I and J within fifteen (15) days of the entry of this Order. The Debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order.

3. Payments to the Secured Creditor shall be made to the following address(es):

- Regular monthly payment: Fay Servicing LLC
PO Box 814609
Dallas TX 75381

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment or Trustee payments should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$350.00 and costs of \$188.00.

The fees and costs are payable:

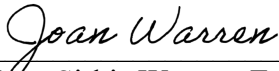
- Through the Chapter 13 plan.

☐ To the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.



Joan Sirkis Warren, Esq.
Attorney for Debtor(s)
Date: 12/22/2021

/s/ Harold Kaplan

Harold Kaplan, Esq.
Attorney for Secured Creditor
Date: 12/22/2021